IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13119 of 2006

Dated: July 4, 2006

Between:

Peddaputta Mastanvalli, S/o. Malki Saheb,
Mulsim, aged about 22 years, Occ: Business,
R/o. Kattaguttapalli Village, H/o. Devapatla,
Sambepalli Mandal, Kadapa District.

… Petitioner

And

The Divisional Forest Officer, Kadapa,
Kadapa District, and another.

… Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent in rejecting the application of the petitioner to release his vehicle bearing No.AP.04.V.0302 as illegal and arbitrary and a consequential direction to the respondents is sought to receive the application of the petitioner.

2. Heard the learned counsel for the petitioner and the learned

Government Pleader for Forests appearing on behalf of the respondents.

3. The case of the petitioner, claiming to be the owner of a Tata Sumo bearing Regn.No.AP.04.V.0302, is that when he kept his vehicle in a taxi stand at Rayachoty, one Mr. Mosali Konda Reddy of Devapatla Village engaged his vehicle to go to Pedduru Village. It is stated that when he was returning from Pedduru, two persons belonging to Forest Department boarded his vehicle and asked him to drive to Vempalli. Thereafter, they booked a false case against him alleging that he has undertaken transportation of forest produce, i.e. 8 logs of red sanders wood in his vehicle without permit. It is further stated that his vehicle was seized and is in the custody of the first respondent. The grievance of the petitioner is that though he filed an application before the first respondent seeking release of his vehicle, the same is not being considered. Hence, he has come up with the present writ petition.

4. On instructions, learned Government Pleader submits that pursuant to seizure of the vehicle, proceedings have been initiated by issuing a show cause notice dated 29-06-2006, under Section 44 (2) of the Andhra Pradesh Forest Act, 1967 ('the Act' for brevity). It is stated that the seizure of the vehicle was effected as the petitioner had undertaken transportation of red sanders wood, in violation of the provisions of the Act and the rules made thereunder.

5. A perusal of the remand report filed along with the material papers would disclose that *prima facie*, the petitioner was charged for various offences under the Act and also under the Indian Penal Code. Though learned counsel for the petitioner contends that the vehicle of the petitioner was engaged by a passenger to travel to Pedduru and was not carrying forest produce in violation of the provisions of the Act, as

alleged by the respondents, the same is a matter, which cannot be gone into by this Court and in view of the allegations levelled against the petitioner,

I am not inclined to order release of the vehicle at this stage.

6. As much as proceedings have already been initiated by issuing a show cause notice, I deem it appropriate to dispose of the writ petition directing the respondents to conclude the proceedings initiated against the petitioner under Section 44(2) of the Act, as expeditiously as possible, preferably within a period of two months from today. The petitioner shall submit his explanation to the show cause notice issued by the respondents, if he has not done so.

7. The writ petition is disposed of with the above observations. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 4, 2006

MRR